

NO. 23887

IN THE SUPREME COURT OF THE STATE OF HAWAI'I

HENRY SERION, SR., ALICE K. SERION, DAVID KUAHINUI,
PEARL KUAHINUI, EDDIE KUAHINUI, JR., STELLA KUAHINUI,
NORA K. KAHAKUA, JAMES KAHAKUA, EDWINA K. LLANES,
DAVID LLANES, MARY ANN P. L. TREMAINE, and CLAYTON
TREMAINE, JR., Plaintiffs-Appellees

vs.

JOHN PERSHING THORNTON, Defendant-Appellant

and

JOHN DOES 1-10, DOE PARTNERSHIPS 1-10, DOE CORPORATIONS 1-10, and
DOE ENTITIES 1-10, Defendants

APPEAL FROM THE THIRD CIRCUIT COURT
(CIV. NO. 97-070K)

ORDER DISMISSING APPEAL

(By: Moon, C.J., Levinson, Nakayama,
Ramil, and Acoba, JJ.)

Upon review of the record, it appears that: (1) the October 3, 2000 Findings of Fact, Conclusions of Law and Order, which disposes of the complaint filed in Civil No. 97-070K, has not been reduced to a separate judgment, as required by Rule 58 of the Hawai'i Rules of Civil Procedure; and, thus, (2) this appeal is premature and we lack jurisdiction. See Jenkins v. Cades Schutte Fleming & Wright, 76 Hawai'i 115, 869 P.2d 1334 (1994) (an order disposing of claims is not appealable unless the order is reduced to a separate judgment). Therefore,

IT IS HEREBY ORDERED that this appeal is dismissed for lack of appellate jurisdiction.

DATED: Honolulu, Hawai'i, February 6, 2001.